



**DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection**

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 23-02]

RIN 1515-AE78

Extension of Import Restrictions Imposed on Certain Archaeological Material of Belize

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological material of Belize. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State (Department of State), has determined that conditions continue to warrant the imposition of import restrictions and that no cause for suspension exists. The restrictions, originally imposed by CBP Dec. 13-05, will be extended for an additional five-year period through February 23, 2028, and the CBP regulations are being amended to reflect this extension. CBP Dec. 13-05 contains the Designated List of archaeological materials from Belize to which the restrictions apply.

DATES: Effective on February 23, 2023.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0084, ot-otrrculturalproperty@cbp.dhs.gov. For operational aspects, Julie L. Stoeber, Chief, IUSG Branch, Trade Policy and Programs, Office of Trade, (202) 945-7064, IUSGBranch@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (Convention), the United States may enter into an international agreement with another State Party to the Convention to impose import restrictions on eligible archaeological and ethnological materials. Under CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in section 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On February 27, 2013, the United States entered into a memorandum of understanding with the Government of Belize (Belize), concerning the imposition of import restrictions on certain categories of archaeological material of Belize (2013 MOU). On March 5, 2013, CBP published a final rule, CBP Dec. 13-05, in the *Federal Register* (78 FR 14183), amending 19 CFR 12.104g(a) to reflect the imposition of restrictions on this material, including a list designating the types of archaeological material covered by the restrictions. Consistent with the requirements of 19 U.S.C. 2602(b) and 19 CFR 12.104g, these restrictions were effective for a period of five years, through February 27, 2018.

The import restrictions were subsequently extended once in accordance with 19 U.S.C. 2602(e) and 19 CFR 12.104g(a)). On February 23, 2018, the United States entered into a memorandum of understanding with Belize to extend the import restrictions (2018 MOU).

Accordingly, CBP published a final rule, CBP Dec. 18-02, in the *Federal Register* (83 FR 8354) reflecting the agreement to extend the import restrictions for an additional five-year period.

On June 21, 2022, the United States Department of State (Department of State) proposed in the *Federal Register* (87 FR 36910) to extend the MOU between the United States and Belize concerning the import restrictions on certain categories of archaeological material from Belize. On December 9, 2022, after considering the views and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, Department of State, determined that the cultural heritage of Belize continues to be in jeopardy from pillage of certain archeological material, and that the import restrictions should be extended for an additional five years, in accordance with 19 U.S.C. 2602(e). Through the exchange of diplomatic notes, the Department of State and the Ministry of Foreign Affairs of the Government of Belize have agreed to extend the 2018 MOU for an additional five-year period.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of archaeological material are to extend through February 23, 2028. Importation of such material from Belize continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions> by selecting the material for “Belize.”

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

Troy A. Miller, the Acting Commissioner of CBP, having reviewed and approved this document, has delegated the authority to electronically sign this document to Robert F. Altneu, the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the *Federal Register*.

List of Subjects in 19 CFR Part 12

Cultural exchange programs, Cultural property, Foreign relations, Freight, Imports, Prohibited or restricted importations, Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

PART 12 – SPECIAL CLASSES OF MERCHANDISE

1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

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Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

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2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Belize to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property			Decision No.		
	*	*	*	*	*	*
Belize	Archaeological material, representing Belize’s cultural heritage that is at least 250 years old, dating from the Pre-Ceramic (from approximately 9000 B.C.), Pre-Classic, Classic, and Post-Classic Periods of the Pre-Columbian era through the Early and Late Colonial Periods			CBP Dec. 13-05 extended by CBP Dec. 23-02		
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Robert F. Altneu, Director
Regulations & Disclosure Law Division,
Regulations & Rulings, Office of Trade
U.S. Customs and Border Protection.

Approved:

Thomas C. West, Jr.,
Deputy Assistant Secretary of the Treasury for Tax Policy.